

Case No. _____

EAST FORK TOWNSHIP

COUNTY OF DOUGLAS, STATE OF NEVADA

_____,
Plaintiff(s),

vs.

_____,
Defendant(s)

CLAIM OF EXEMPTION FROM EXECUTION

I, _____, submit this *Claim of Exemption from Execution* pursuant to NRS 21.112, and state the following:

Check only one of the following boxes:

- ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of Execution regarding the attachment or garnishment of my wages, monies, benefits, or property.
- ☐ I am NOT a Defendant in this case, but my wages, monies, benefits, or property are the subject of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10))

My wages, monies, benefits, or property are exempt by law from execution as indicated below. Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of hearing in repose to this Claim of Exemption within eight judicial days after my claim of exemption has been filed and served by regular mail, then any person who has control or possession over my wages, monies, benefits, or property (such as my employer, bank, sheriff's office, or other law enforcement office) must release them to me within nine judicial days after this claim of exemption has been served.

Check all of the following that apply to your wages, monies, benefits, or property:

- ☐ Money or payments received pursuant to the federal Social Security Act, including retirement, disability, survivors' benefits, or SSI. NRS 21.090(1)(y) and 42 USC 407(a).
- ☐ Money or payments for assistance received through the Nevada Department of Health and Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. NRS 21.090(1)(kk) and 422A.325.
- ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710. NRS 21.091(1)(hh).

- 1 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's
2 compensation or industrial insurance), as provided in NRS 616C.205. NRS
3 21.090(1)(gg).
- 4 ☐ Money or payments received as veteran's benefits. 38 USC 5301.
- 5 ☐ Money or payments received as retirement benefits under the federal Civil Service
6 Retirement System (CSRS) or Federal Employees Retirement System (FERS). 5
7 USC 8346.
- 8 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my
9 disposable earnings if my gross weekly salary is \$770 or less. "Disposable earnings"
10 are the earnings remaining "after the deduction ... of any amounts required by law to
11 be withheld." NRS 21.090g)(1). The "amounts required by law to be withheld" are
12 federal income tax, Medicare, and Social Security taxes.
- 13 o Check here if your disposable weekly earnings do not exceed \$362.50 or 50
14 times the federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL
15 your disposable earnings are exempt. NRS 21.090(1)(g).
- 16 o Check here if your disposable weekly earnings are between \$362.50 and
17 \$483.33, in which case your exempt income is always \$362.50. Your non-
18 exempt income is your weekly disposable earnings minus \$362.50, which
19 equals \$_____ per week. NRS 31.295.
- 20 ☐ Money or benefits received pursuant to a court order for support, education, and
21 maintenance of a child, or for the support of a former spouse, including arrearages.
22 NRS 21.090(1)(s) and (t).
- 23 ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit
24 provided under Nevada law. NRS 21.090(1)(aa).
- 25 ☐ \$10,000 or less of my money or personal property, specifically described as:
26 _____ and is not
27 otherwise exempt under NRS 21.090. NRS 21.090(1)(z).
- 28 ☐ Money, up to \$1-million, held in a retirement plan which conforms with or is
maintained per the requirement of the Internal Revenue Code including, but not
limited to: an IRA, 401(k), 403(b), qualified stock bonus, pension, or profit-sharing
plan. NRS 21.090(1)(r).
- ☐ All money, benefits, privileges or immunities derived from a life insurance policy.
NRS 21.090(1)(k).
- ☐ Money, benefits, or refunds payable or paid from the Nevada Public Employees'
Retirement System per NRS 286.670. NRS 21.090(1)(ii).
- ☐ A homestead recorded per NRS 115.010 on a dwelling (house, condominium,
townhouse, or land) and/or a mobile home where my equity does not exceed
\$550,000. NRS 21.090(1)(l).
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not
exceed \$550,000, and I do not own the land upon which the dwelling is situated.
NRS 21.090(1)(m)
- o Check here if the judgment being collected arises from a medical bill. If it
does, your primary dwelling and the land upon which it is situated (if owned
by you) including a mobile or manufactured home are exempt from execution
regardless of the amount of equity. NRS 21.095
- ☐ My vehicle where the equity does not exceed \$15,000, or I will pay the judgment
creditor the difference between \$15,000 and the equity in my car. NRS 21.090(1)(f).
- o Check here if your vehicle is specially equipped or modified to provide
mobility for you or your dependent, and either you or your dependent are
permanently disabled. Your vehicle is exempt regardless of the equity. NRS
21.090(1)(p).

- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. NRS 21.090(1)(q).
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or my dependent, chosen by me and not to exceed \$5,000 in value. NRS 21.090(1)(a).
- ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value. NRS 21.090(1)(b).
- ☐ Money or payments received from a private disability insurance plan. NRS 21.090(1)(ee).
- ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. NRS 21.090(1)(ff).
- ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials used to carry on my trade or business for the support of me and my family not to exceed \$10,000 in value. NRS 21.090(1)(d).
- ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my primary residence, unless the landlord is enforcing the terms of the rental agreement or lease. NRS 21.090(1)(n).
- ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I am dependent. NRS 21.090(1)(u).
- ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably necessary for the support of me and my dependents. NRS 21.090(1)(v) and (w).
- ☐ Money or payments received as restitution for a criminal act. NRS 21.090(1)(x).
- ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. NRS 21.090(1)(jj).
- ☐ Child welfare assistance provided pursuant to NRS 432.036. NRS 21.090(1)(ll).
- ☐ Other: _____

AUTOMATIC BANK ACCOUNT EXEMPTIONS

(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)

- ☐ All exempt federal benefits that were electronically deposited into my account during the prior two months are protected, and I am, therefore, entitled to full and customary access to that protected amount. 31 C.F.R. part 212.6(a). Money in my personal bank account that exceeds that amount may be subject to the exemptions stated above.
- ☐ Exempt state or federal benefits were electronically deposited into my personal bank account during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment relating to my personal bank account, and under Nevada law, I am entitled to full and customary access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other deposits of money into the account. Money in my personal bank account that exceeds that amount may be subject to the exemptions stated above. NRS 21.105.
- ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada law, I am entitled to full and customary access to \$400 or the entire amount in my account, whichever is less, unless the writ is for the recovery of money

owed for the support of any person. Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated above. NRS 21.105.

Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession over my exempt wages, bank accounts, benefits, other accounts/funds, or personal or real property, as stated above, you must release that money or property to me within nine judicial days after my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

I declare under the penalties of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this ____ day of _____, 2019.

Signature

Print Name

Mailing Address

City, State and Zip

Telephone Number

Email

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 20_____, I placed a true and correct copy of the foregoing CLAIM OF EXEMPTION FROM EXECUTION in the United States Mail, with first-class postage prepaid, addressed to the following (insert the name and address of the following):

Plaintiff/Judgment Creditor (or their attorney):

Sheriff or Constable:

Garnishee:

I declare under the penalties of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 2019.

Signature

Print Name